IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

WP(C).No. 27220 of 2006(M)

PETITIONER:

E.P.THAMBAN, INTERNEL AUDITOR,
NEDIYANGA SERVICE CO-OP. BANK LTD.,
SREEKANDAPURAM, KANNUR DISTRICT.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.P.K.BEENA

RESPONDENTS:

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1. THE NEDIYANGA SERVICE CO-OP. BANK
LTD. NO. L.L. 84,
REP. BY ITS SECRETARY, SREEKANDAPURAM BRANCH,
SREEKANDAPURAM, TALIPARAMBA, KANNUR DISTRICT.

ADDL. R2. GENERAL JOINT REGISTRAR,
CO-OPERATIVE DEPARTMENT,
KANNUR DISTRICT,
KANNUR CO-OPERATIVE CIRCLE, KANNUR.
(Impleaded as per the order dated 3.11.2006 in I.A.15190/06)

BY ADV. SRI.T.R.RAMACHANDRAN NAIR
SRI.V.G.ARUN
SENIOR GOVERNMENT PLEADER P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).27220/2006

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1- THE TRUE COPY OF NOTICE DATED 6.9.2006 ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXT.P2- THE TRUE COPY OF THE REPLY DATED 13.9.2006 SENT BY THE PETITIONER TO THE RESPONDENT.

EXT.P3- THE TRUE COPY OF THE NOTICE DATED 27.9.2006.

RESPONDENT'S EXHIBIT:-

EXT.R1(a)- TRUE COPY OF THE ORDER NO.2479/04/CRP(2) DATED 16.8.2006.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 27220/2006

Dated this 1st day of December, 2006

JUDGMENT

The petitioner is working as Auditor (Internal) of the first respondent, bank. Under Ext.P3, he was directed to pay an amount of Rs.1,04,281/-, after adjusting an amount of Rs.60,127/- from the total amount of Rs.1,64,408/-, due to the first respondent, bank, It is further stated in Ext.P3 that till the defect is cured by adjusting the amount, an amount of Rs.8,000/- each per mensum will be deducted from the salary of the petitioner, commencing from September, 2006.

2. The writ petitioner approached this Court and a stay of Ext.P3 was granted. Therefore, deduction of the salary of Rs.8,000/- each per mensum, is not in force. The submission of the learned counsel for the writ petitioner is that the deduction of the salary is not according to the law and, therefore, prayed that the same may be quashed.

3. The learned counsel for the first respondent,

bank, submitted that under Ext.R1(a) audit report, there had been irregularities, when the petitioner was handling cash for the relevant period. Of course, the same is being denied by the learned counsel for the writ petitioner.

4. In the above facts situation, without entering into any discussion on the merit of the matter, I direct the additional second respondent, the Joint Registrar (General), Co-operative Department, Kannur District, to go into the matter afresh, on the writ petitioner preferring a petition to that effect within two weeks from today, before the additional second respondent. On receipt of the same, the latter shall hear both the writ petitioner and the first respondent-bank, peruse the entire records and pass, thereafter, an order on merit. This shall be done within one month from the date of receipt of a copy of the representation from the writ petitioner.

5. Till the above exercise is complete, deduction of an amount of Rs.8,000/- each per mensum, from the

salary of the writ petitioner, as ordered by the first respondent, shall be kept in abeyance.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs